

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Frixon Eduardo Pineda-Martinez

v.

Case No. 23-cv-555-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated July 30, 2024. For the reasons explained therein, the Warden's motion to dismiss (Doc. No. 5) is denied. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).



Samantha D. Elliott  
United States District Judge

Date: September 25, 2024

cc: Frixon Eduardo Pineda-Martinez, pro se  
Counsel of Record